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ABSTRACT

The purpose of the Nonmajority/Minority Task Force was to develop a study on the impact of the Emergency School Aid Act (ESAA) on the Nonmajority/Minorities named in the Act. A meeting held in 1977 resulted in the development of operational goals. To fulfill these goals: (1) the staff was to initiate a data search, using a two-phase approach, and (2) two public hearings were to be held in an attempt to solicit first-hand input from ESAA recipients, prospective recipients, and general concerns from the minority community. The task force was not able to adhere to the data collection time lines due to unexpected program demands which prevented all the regions from responding. Secure approximations of the number of students and adults receiving ESAA services were not secured either. The two meetings held provided members of the task force with new data, concerns, and recommendations. The following is a partial list of those concerns the task force feels are of major significance: (1) ESAA handbooks such as the "Student Advisory Handbook" should be bilingual, (2) the present ESAA project evaluation requirement is meaningless under the existing system because of the timing of funding cycles and monitoring visits, as well as its lack of consideration at successive yearly reviews, (3) regulatory language requiring the present racial/ethnic composition on citizen advisory councils should be changed, and (4) the present narrow interpretation of ESAA program eligibility should be discarded in favor of an expanded view. (Author/AM)

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NONMAJORITY/MINORITY TASK FORCE REPORT

BY

CARMEN A. RODRIGUEZ

CHAIRMAN, NONMAJORITY/MINORITY TASK FORCE

SEPTEMBER 24, 1977

UD017492

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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NONMAJORITY/MINORITY TASK FORCE REPORT

In November, 1976, the Chairman created the Nonmajority/Minority Task Force charging it with the development of a study on the impact of ESAA programs on the nonmajority/minorities named in the Act. Historically, the need for such a Task Force began as early as 1974-1975, when Council members became concerned with numerous statements from the public sector that all minorities were not receiving equal attention under ESAA programs. Early attempts were made by NACEEO to ascertain the reliability of such statements by requesting impact data from USOE. Although USOE responded to the Council's request, the data provided was at best an incomplete estimation relating primarily to programs affecting Spanish Americans. Another attempt was initiated to determine the relationship among NPO group affiliations (Urban League, NAACP, LULAC, Girl Scouts, etc.), minority identifications, and funding factors. The information given the Council was again, a subjective estimation. USOE, throughout, has maintained the position that such impact data as desired by the Council could not be obtained without going through additional justification procedures with the Office of Management and Budget.

During the Council's September, 1976 meeting in Alexandria, Virginia, a direct public accusation was made by a Mr. Clifford Saunders, Executive Director, Boston Indian Council, Inc., concerning the inability of American Indians in receiving attention, not only under the Boston School District's desegregation plan, but also in the Boston ESAA project. He charged NACEEO with the responsibility of reviewing

ESAA PROJECTS THROUGHOUT THE NATION WITH RESPECT TO THEIR PROVIDING OPPORTUNITIES FOR PARTICIPATION BY AMERICAN INDIANS. MR. SAUNDERS' PRESENTATION REVITALIZED THE COUNCIL'S INTEREST IN EQUAL ACCESS BY ALL SEVEN MINORITIES SPECIFIED IN THE ACT IN THE DEVELOPMENT OF ESAA PROPOSALS, PARTICIPATION OF ADULTS AND STUDENTS ON ADVISORY COUNCILS, AND THE RELATIONSHIP BETWEEN ESAA ACTIVITIES AND MINORITY DIVERSITY.

ON MARCH 26, 1977, THIS TASK FORCE HELD ITS FIRST ORGANIZATIONAL MEETING, AT WHICH TIME, WE WERE JOINED BY OUR DISTINGUISHED NEW MEMBER, MR. THOMAS ARANDA, JR. OUR GROUP NOW HAD GROWN FROM THE ORIGINAL TWO MEMBERS TO FIVE MEMBERS. THEY ARE AS FOLLOWS:

CARMEN RODRIGUEZ, CHAIRMAN
MR. LYMAN PIERCE
MR. LOFTUS CARSON
MR. TOM ARANDA
DR. HARUKO MORITA

BASICALLY, AT THIS MEETING WE ATTEMPTED TO OBJECTIVELY ANALYZE OUR TASK AND RESOURCES, AND TO ESTABLISH REALISTIC OPERATIONAL GOALS. THE AGREED UPON STRATEGY WAS TWOFOLD:

1. STAFF WAS TO INITIATE A DATA SEARCH, UTILIZING A TWO-PHASE APPROACH. (A) REGIONAL - FOR BASIC, PILOT, AND NPO PROGRAMS. (B) NATIONAL - FOR SET-ASIDES, EMERGENCY, AND DISCRETIONARY.

2. Two public hearings were to be held (East coast/West coast) in an attempt to solicit first-hand input from ESAA recipients, prospective ESAA recipients, and general concerns from the minority community.

We were not able to adhere to our data collection time lines due to unexpected program demands which prevented all the regions from responding to our solicitations. I am happy to report now, however, that nearly all regions have provided us with information on students being served under the Basic and Pilot programs. Unfortunately, we will not be able to secure accurate approximations on the number of students and adults receiving ESAA services under the NPO program. Data regarding the number of individuals participating in the project according to their racial/ethnic identification is not a required item under the USOE approved NPO application process. We were genuinely surprised that all USOE requires from NPO's is an estimate of the number of individuals to be serviced by their project. On the other hand, local school districts are burdened with supplying exact numbers of children served by racial/ethnic classification. There is, therefore, under the present APPLICATION process, no way USOE, nor Congress, can tell who is targeted to receive what service from whom at what time, when both a school district and several supporting NPO's are receiving ESAA funds (without additional clearance and work being needed).

OUR SECOND MAJOR DISAPPOINTMENT OCCURRED WHEN DR. TOM FAGEN, THE USOE/EEO ESAA SPECIAL PROJECTS DIRECTOR, INFORMED US THAT HIS STAFF WOULD BE UNABLE TO SUPPLY US WITH ANY INFORMATION DUE TO LACK OF AVAILABLE TIME. ALTHOUGH WE WERE PROMISED ACCESS TO PROGRAM FILES, OUR RESOURCES AND TIME ALLOTMENTS PREVENTED US FROM ANY ATTEMPT AT CONTRACTING OUT THIS PHASE OF THE DATA GATHERING.

THE TWO OUTREACH MEETINGS DID PROVIDE MEMBERS OF THE TASK FORCE WITH TESTIMONY THAT SUPPORTED MANY OF NACEEO'S PREVIOUSLY MADE PROGRAM SUGGESTIONS (MULTI-YEAR FUNDING, PRE-OCR CLEARANCE, TWO-PART APPLICATIONS), AND ALSO GAVE RISE TO NEW CONCERNS AND RECOMMENDATIONS. FOR THE SAKE OF BREVITY, I WOULD LIKE TO ENUMERATE ONLY WHAT THE TASK FORCE FEELS ARE OF MAJOR SIGNIFICANCE. THEY ARE AS FOLLOWS:

1. ESAA HANDBOOKS SUCH AS THE "STUDENT ADVISORY HANDBOOK" SHOULD BE BILINGUAL.

2. THE PRESENT ESAA PROJECT EVALUATION REQUIREMENT IS MEANINGLESS UNDER THE EXISTING SYSTEM BECAUSE OF THE TIMING OF FUNDING CYCLES AND MONITORING VISITS, AS WELL AS ITS LACK OF CONSIDERATION AT SUCCESSIVE YEARLY REVIEWS.

3. OCR SHOULD MAKE ITS RULES AND GUIDELINES FOR DETERMINING PLAN AND COMPLIANCE ELIGIBILITY KNOWN TO THE PUBLIC EACH YEAR THROUGH SUCH MEANS AS PUBLICATIONS IN THE FEDERAL REGISTER.

4. USOE SHOULD REVISE OR DISCARD THE SEA COMMENT REQUIREMENT PROVISION AS IT PRESENTLY HAS LITTLE OR NO MEANING ON THE ACTUAL FUNDING PROCESS (NO POINTS ARE AWARDED FOR SEA'S TO ASSIGN TO THE PROPOSAL IN THE SCORING PROCESS).

5. TRANSPORTATION COST SHOULD BE ALLOWED UNDER APPROVED, NONCOURT ORDERED INTERDISTRICT AND METROPOLITAN ESAA PROGRAMS. THIS COULD HELP MINORITY/MAJORITY SCHOOL DISTRICTS ATTEMPT PHYSICAL REDUCTION OF MINORITY ISOLATION.

6. REGULATORY LANGUAGE REQUIRING THE PRESENT RACIAL/ETHNIC COMPOSITION ON CITIZEN ADVISORY COUNCILS SHOULD BE CHANGED. RACIAL/ETHNIC MAKEUP SHOULD MORE CLOSELY REFLECT THE SCHOOL AGE COMPOSITION WITHIN THAT PARTICULAR SCHOOL DISTRICT.

7. ESAA PROGRAM SERVICES TO AREAS OF THE UNITED STATES CONTAINING THE LARGEST NUMBER OF NON-MAJORITY/MINORITIES ARE BETTER SERVED THROUGH THE USOE/ESAA REGIONAL OFFICE TYPE OF STRUCTURE. THE MAJORITY/MINORITY STATES HAVING CLOSER GEOGRAPHICAL PROXIMITY TO DC WOULD HAVE AN ADVANTAGE UNDER A TOTALLY CENTRALIZED ESAA ADMINISTRATION.

8. The present narrow interpretation of ESAA program eligibility should be discarded in favor of an expanded viewpoint like that expressed by General Counsel Stokes in his USOE region VI memorandum of 1973.*

Presently, the Task Force plans to wait until the staff completes the regional data tabulation and first level analysis before proceeding with plans to gather the additional ESAA special projects information. We are, however, doing something which we did not previously include in our operational format. The Task Force will, over the next few months, attempt to contact other advisory groups dealing with minority education concerns in an attempt to see ways in which our mutual interest can be enhanced. Our initial contact with the National Science Foundation Advisory Committee for Minority Programs in Science Education has been quite illuminating. For example, in the first meeting of that group, a plea was made for more accurate data on ethnic distribution, and what is the effectiveness of minority targeted NSF programs which parallels this Task Force's concerns.

Formal recommendations will not be placed before this Council until our group is satisfied it has as much information before it on which to make appropriate judgment. Thank you.

*Refer to Stokes Memorandum which is attached

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE REGIONAL DIRECTOR
DALLAS REGIONAL OFFICE

(2)

: Dr. George Hann
Regional Commissioner, OE
Attn: E. N. Dennard
Director of School Systems

DATE: March 15, 1973

ROM : John M. Stokes
Regional Attorney

UBJECT: Memo of February 23, 1973 - ESAA Eligibility Criteria

I am enclosing a revision of my memorandum of February 23, 1973, regarding ESAA Eligibility Criteria. While it is for the most part identical with the original, I have given further thought to the question, and revised my memo to, hopefully, give you an even clearer picture of ESAA Eligibility. Please substitute the attached memo for the original, and return the original to me.

You will note the addition to the discussion of reduction of minority isolation and the prevention of isolation. I deem these later interpretations to be a clearer explanation of the regulations. The answer to your basic question is still "yes," and I trust your staff will find the memo useful in advising local educational agencies.

Enclosure

cc:
Mr. McMahan
Ms. Stuck
Dr. Bell
Mr Lottman

Mr. Dennard

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE REGIONAL DIRECTOR
DALLAS REGIONAL OFFICE

TO : Dr. George Hann
Regional Commissioner, OE
Attn: E. N. Dennard
Director of School Systems

DATE: February 23, 1973

FROM : John M. Stokes
Regional Attorney

SUBJECT: ESAA Eligibility Criteria

In your memorandum of February 12, 1973, you ask the following question:

> "Is student movement required in a desegregation plan under ESAA? More specificly [sic], may rural isolated districts with a predominate minority in the majority submit a plan 'to overcome the adverse educational effects of minority group isolation' without the specific movement of students?"

The purpose of the Emergency School Aid Act, Public Law 92-318, is fairly succinctly set forth in Section 702 which states:

> "Sec. 702(a). The Congress finds that the process of eliminating or preventing minority group isolation and improving the quality of education for all children often involves the expenditure of additional funds to which local educational agencies do not have access.
> (b) The purpose of this title is to provide financial assistance--
> (1) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;
> (2) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and
> (3) to aid school children in overcoming the educational disadvantages of minority group isolation."

Thus, the elimination of minority group isolation, and overcoming the attendant harmful effects of segregation and racial and ethnic isolation, are the main goals which the Act attempts to reach.

Eligibility of a local educational agency for assistance under the Act is authorized in Section 706 in five basic sets of circumstances. These five are:

1. When the LEA is implementing a plan pursuant to a final Court desegration order.

2. When the LEA is implementing a plan approved by the Office for Civil Rights (the Secretary), "for the desegregation of minority group segregated children or faculty in such schools."

3. When the LEA, not under Court or Title VI plan, agrees to adopt and implement a plan "for the complete elimination of minority group isolation in all the minority group isolated schools of such agency."

4. When the LEA, agrees to implement a plan to eliminate or reduce minority group isolation in one or more schools, or reduce the total number of racially isolated children, or prevent further racial isolation in schools in which a substantial percentage of minority students are in attendance.

5. When the LEA agrees to implement a plan involving the enrollment in its schools of students from other districts, where this effort reduces racial isolation in either school district.

The regulations which implement these provisions of the law are contained in 38 Federal Register, Part III, February 6, 1973, particularly § 185.11. As to nonrequired plans, parts 3, 4, and 5 above, the regulations make it quite clear that the elimination, reduction, or prevention of minority group isolation are the keystones for eligibility.

Elimination of minority group isolation is defined as the situation where the enrollment of minority group students in all schools which is above 50% of the student body is reduced below 50%.

Reduction of minority group isolation is defined as the situation where the percentage of a majority minority group student body of one or more schools is reduced, but not below 50% (below 50% would be elimination of isolation). The reduction of a majority minority group student body in a school from 80% to 70% would be an example.

Prevention of minority group isolation attempts to deal with the situation where a school, or schools, has a minority group student body of 20 to 50% and indicators point to an increasing minority group enrollment that would bring it over the 50% marker. What would qualify under this provision is

not easy to quantify, and would have to be considered on a case-by-case basis. Such a plan would, of course, have to be consistent with Title VI. In most majority minority school districts this type of plan would not be feasible.

A plan under the last situation, 5 above, requires at least the transfer of 25 students from one district to another, and reduction in minority group isolation refers to the same criteria indicated above.

In school districts where the minority group children are in a majority in all of the schools in a district, some reduction of isolation in one or more schools might be physically possible, and eligibility could be effected. Such a district could also adopt a plan in conjunction with a neighboring district to transfer students and reduce the isolation.

In majority minority districts with one or more majority minority group schools, reduction of minority group isolation would, of course, be possible. For example, if three elementary schools were 85% minority and one was 25% minority, student movement would reduce the isolation in the three majority minority schools.

It should be noted that simply moving faculty is not sufficient under the non-required plan section for eligibility.

I understand, however, that there are many districts in this Region where due to the racial and ethnic makeup of the districts and the schools within the districts, student movement is not possible or reasonably feasible, yet the needs of the districts for help to "overcome the adverse educational effects of minority group isolation" are great.

In these circumstances, there is a potential route to eligibility even if they do not qualify under the nonrequired plans section. That route is through the adoption and implementation of a plan under § 185.11(a)(2) "which has been approved by the Secretary as adequate under Title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in the schools of such agency."

Desegregation of minority group segregated children or faculty is more complex than simply moving students and faculty between schools. It is becoming increasingly clear that racial and ethnic discrimination takes many forms, and physical segregation in separate school buildings is but one of those forms. The in-school segregation, either from classroom to classroom by methods such as discriminatory ability grouping, or from

individual to individual by curriculae that denies equal educational achievement to ethnic minorities because of their language and cultural differences, is as invidious as rank physical school building segregation. Programs designed to redress these types of discrimination, and truly desegregate the student body, have been, and are being, accepted from majority minority school districts by the Office for Civil Rights under Title VI. Therefore, a majority minority school district, currently not under court order or a Title VI plan, may become eligible for participation in ESAA by proposing to, and having accepted by, the Office for Civil Rights, a comprehensive educational plan designed to deal with the effects of racial and ethnic minority isolation and discrimination in that school district. If no student movement is feasible (under the guidelines of Swann v. Charlotte-Mechlenburg, 402 U.S. 1 (1971), and subsequent cases) the plan may still be accepted by OCR, and eligibility will be effected. I understand that OCR, Dallas, is prepared to expeditiously assist any district which wishes to qualify for ESAA under this section of the Act and the regulations.

While examples of acceptable comprehensive educational plans (such as those in effect in San Felipe-Del Rio ISD, Beeville ISD, El Paso ISD, and others) are available for guidance when a district begins to develop its own plan, and should be used in the preparation of any such plan, the following outline will give your program officers the basics of an acceptable comprehensive Educational Plan.

I. District-Wide Advisory Committee

Adequate provisions for minority participation on the committee (follow ESAA guidelines) and adequate community input and review.

II. Needs Assessment and Priority Setting

A. Inventory current curriculum, faculty capabilities, existing Federal programs, existing state and local programs and funds, language cultural educational background and needs of students, current physical facilities, community resources.

B. Draw up set of priorities based on identified needs and resources.

III. The Comprehensive Education Plan

A. Restructure curriculum to meet the identified multilingual-multicultural needs of the students.

B. Eliminate discriminatory class assignments, ability grouping and special education grouping.

C. Adopt affirmative action plan to hire needed multilingual-multicultural and minority teachers and administrators.

D. Develop training program to bring present staff into position to meet the assessed needs.

E. Provide for orientation and involvement of students in the program.

F. Begin and implement early childhood development program where practicable and the needs assessment indicates its desirability.

G. Provide for useful and meaningful parental involvement.

H. Additional innovative initiatives by the district, or additional items to meet specific identified needs.

IV. Evaluation

A. Provide for ongoing evaluation, including pre and post testing evaluations, accumulation of data, and formulative assessment of programs.

B. Involvement of advisory committee.

C. Utilize definite and relevant evaluation instruments, and develop new ones as needed.

D. Set up reasonable and reliable goals and timetables.

In conclusion, there are three points to keep in mind regarding school district eligibility for ESAA participation.

1. If the school district has the capacity to effect a desegregation plan by moving students to eliminate, reduce, or prevent minority group isolation, either district-wide or in one school, this must be done to qualify for ESAA. This does not mean that racial balance is required or that movement of insignificant numbers of non-minority students is required in majority minority group school districts.

2. If the district is not capable of effecting student movement it may request OCR Title VI assistance in the development of a comprehensive educational plan designed to meet the needs of its

minority group students, and become eligible for ESAA upon receiving Title VI approval of this desegregation plan.

3. Implementation of a comprehensive educational plan approved by Title VI may take place over a reasonable period of time, with immediate implementation of some parts and more gradual implementation of others, taking into account the particular item in question, the resources of the district, and the unique characteristics of the district.

I trust the above answers your questions and gives you and your program officers the necessary guidelines to effectively administer this program. As OCR is the agency that, under the procedures developed, determines eligibility for ESAA participation, this memorandum is intended for its use also, and is being simultaneously transmitted to Mrs. Dorothy Stuck, OCR Regional Director.

As you know, this office stands ready to continue assisting both OE and OCR in the implementation of this important and complex program. The teamwork exhibited to date under ESAA, and under the old ESAP, by OE and OCR is an example which should be emulated by other government agencies. I am pleased to be a part of that team.

cc:
H. D. McMahan, RD
Dorothy Stuck, OCR
Dr. John Bell, OCR
Mike Lottman, OGC-OE